

REMARKS

The present application has been reviewed in light of the Office Action mailed October 8, 2008. The Examiner has repeated a restriction requirement, previously verbally communicated to applicant's counsel, noting two inventions:

Group I, claims 1-11 and 29-31, drawn to a nanocomposite; and

Group II, claims 12-28, drawn to a process for making the nanocomposite.

Applicant hereby affirms the prior election to prosecute the invention of Group 1, i.e., claims 1-11 and 29-31. Claims 12-28 are withdrawn.

The Examiner has noted several objections in the specification due to several informalities. Applicant has amended the specification to address these and other typographical errors, thereby obviating these objections.

The Examiner has rejected claims 1-4, 11, 29 and 31 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0262581 to Rodrigues ("Rodrigues"); rejected claim 5 under 35 U.S.C. §103(a) as being obvious over Rodrigues in view of Wu et al. (Macromolecules 2003, 36, 6286-6288) ("Wu"); rejected claims 6-7 under 35 U.S.C. §103(a) as being obvious over Rodrigues in view of U.S. Patent No. 6,531,513 to Haddon et al. ("Haddon"); rejected claims 8-9 under 35 U.S.C. §103(a) as being obvious over Rodrigues in view of U.S. Patent No. 6,331,265 to Dupire et al. ("Dupire"); and rejected claims 10-11 and 30-31 under 35 U.S.C. §103(a) as being obvious over Rodrigues in view of U.S. Patent Application Publication No. 20020161096 to Loontjens et al. ("Loontjens"). Reconsideration and allowance of the pending claims is respectfully requested in view of the following remarks.

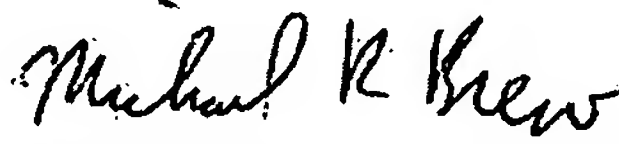
It is respectfully submitted that Rodrigues is not a proper reference under 35 U.S.C. §102(e) since the claimed subject matter was conceived prior to the filing date of Rodrigues, with diligence in the preparation and filing of the instant application. In support of this, applicants are submitting herewith affidavits under 37 C.F.R. § 1.131 from each of the named inventors of the instant application, demonstrating conception prior to Rodrigues and diligence in the preparation and filing of the instant application. It is respectfully submitted that these declarations are sufficient to overcome the Rodrigues reference.

Therefore, since Rodrigues cannot be used as a reference, it is respectfully submitted that none of the cited references disclose or suggest the nanocomposites of claims 1-11 and 29-31. More particularly, by removing Rodrigues as a reference, claims 1-4, 11, 29 and 31 are not anticipated under 35 U.S.C. 102(e) by Rodrigues; claim 5 is not obvious over Rodrigues in view of Wu; claims 6-7 are not obvious over Rodrigues in view of Haddon; claims 8-9 are not obvious over Rodrigues in view of Dupire; and claims 10-11 and 30-31 are not obvious over Rodrigues in view of Loontjens.

Should the Examiner have any questions concerning this Amendment, or feel that an interview would be helpful in resolving any outstanding matters, the Examiner is invited to contact Applicants' undersigned attorney at his convenience.

Early and favorable action on the merits is earnestly solicited.

Respectfully submitted,



Michael R. Brew
Registration No.: 43,513
Attorney for Applicant(s)

CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 Broad Hollow Road - Suite 420
Melville, New York 11747
(631) 501-5700
(631) 501-3526 (fax)
MRB/nr